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March 22, 2001

BUSH ADMINISTRATION SUPPORTS BENNETT'S MOVE TO REPEAL RESTRICTIONS ON EXPORTS OF HIGH PERFORMANCE COMPUTERS

Key Senate committee approves Bennett bill to preserve leadership of U.S. high-tech industry

WASHINGTON, D.C. – “Failing to update our export control laws means failing to preserve our high-tech edge,” said Utah Republican Senator Bob Bennett who today secured unanimous committee approval of legislation supported by the Bush Administration which will repeal outdated export control laws restricting the exports of high-performance computers.

Bennett, a high-tech leader in the Senate and member of the Senate Banking Committee, said “America’s high-tech leadership in the world cannot be maintained if the industry that defined it is stifled. Clearly by repealing the MTOPS measurement, we lift a roadblock which otherwise impedes our progress.”

S. 591, also sponsored by Sen. Harry Reid (D-NV), is supported by the Bush Administration and was unanimously approved today by the Senate Banking Committee as an amendment to its reauthorization of the Export Administration Act. The Bennett-Reid bill repeals provisions of the 1998 National Defense Authorization Act which require the president to use MTOPS, or what Bennett calls an “outdated form of measurement”, to set restrictions on the export of high-performance computers.

“Our current restrictions on computers are based on the theory that access to and use of computing power can be controlled. They cannot.” Bennett added.

As a result of the Bennett bill, high-performance computers, along with other dual-use technologies, will be subject to the controls put in place by the reauthorization of the EAA. In praising passage of the amendment, Bennett noted reports from the Department of Defense, General Accounting Office and Defense Science Board which have all concluded that the rigid MTOPS-based approach is obsolete and fails to advance U.S. national security.

Background on MTOPS

In the early 1990s, the United States and its allies developed a measurement of computer performance used only for export control purposes. MTOPS - millions of theoretical operations per second - measure a computer's highest theoretical power, if every function of the computer operated flawlessly. A computer with a rating of 4000 MTOPS can theoretically perform four billion operations per second. It operates at 1500 MHz. Computer power, as measured in MTOPS, is dependent on three factors: chip speed (MHz), chip design (number of operations per cycle), and the number of chips in the computer system. resources.

U.S. export control policies can be traced back to the Cold War era, when restrictions were developed to safeguard U.S. interests in the face of a global threat. To ensure the Soviet Bloc was kept from gaining access to strategic products that could enhance its military capability, Congress passed the Export Control Act of 1949 giving the president broad discretionary authority to establish unilateral export controls on U.S. products.

Since 1949, the Congress has enacted other export control laws and amendments to address changing political, national security and commercial conditions. In particular, the Export Administration Act of 1969, the Export Administration Act of 1979, and the Export Administration Reauthorization Act of 1985 all reflected an ongoing effort to balance commercial considerations with the protection of national security interests. The Omnibus Trade Act of 1988 was the last time the Export Administration Act was significantly amended. In 1990 the Export Administration Act expired.

In time periods when the Export Administration Act was expired, all presidents have used emergency powers under the International Economic Powers Act to enforce the U.S. export control system. In 1997, with no Export Administration Act in place, the Congress modified the export control regime amid concerns about possible use of "supercomputers" in proliferation-related activities abroad.

Through amendments to the National Defense Authorization Act (NDAA), Congress required exporters to notify the Commerce Department of exports to end-users in Tier III countries (50 countries including India, China, Russia and Israel) of computers between 2000 and 7000 MTOPS. While the President has the authority to increase the MTOPS levels at which this notification takes place, and did so, any such increase was subject to a six month Congressional review process. **Last fall, an amendment by Sens. Bennett and Harry Reid (D-NV) changed the NDAA and reduced that review process to 60 days.**

The Reauthorization of the Export Administration Act now proceeds to the full Senate.

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